

**REMARKS**

**I. Introduction**

In response to the Office Action dated July 16, 2008, and the Advisory Action dated October 28, 2008, Applicants have amended claim 3 to more particularly point out and distinctly claim the subject matter of the invention. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants submit that all pending claims are in condition for allowance.

**II. Claim Rejections Under 35 U.S.C. § 102**

Claims 3 – 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wachi (JP 10-092100). Applicants traverse this rejection for at least the following reasons.

Claim 3 embodies a rotational velocity controlling system in an information recording/reproducing apparatus comprising control information generating means which generates a revolution number error as a difference between revolution number information and an operation result value, and which outputs the revolution number error as the rotation control information to the driving means. At least this combination of features is not disclosed by the cited reference.

In the optical disc system of Wachi, the revolution number and the linear velocity information are used solely for detecting the position of the head, and the rotation control may be switched depending on the head position. Accordingly, disturbances in the rotational velocity of a recording medium cannot be avoided at the time of mode switching (i.e., switching of the rotation control). Moreover, it is difficult to smoothly record information over the entire disc surface at once.

The system of claim 3, by contrast, is configured such that a revolution number error is generated as a difference between the revolution number information and an obtained operation result value. In accordance with this configuration, disturbances in the rotational velocity of a recording medium can be avoided when switching rotation control and information can be smoothly recorded over the entire disc surface at once.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and the cited reference fails to disclose at least the above described elements, it is clear the cited patent does not anticipate independent claim 3.

Claims 4 and 5 depend from claim 3. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Harness International Inc. v. Simplicatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for at least the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

### **III. Conclusion**


In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

**Application No.: 10/786,080**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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